

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**W.E. AUBUCHON CO., INC., AUBUCHON
DISTRIBUTION, INC., W.E. AUBUCHON
CO. INC. EMPLOYEE MEDICAL
BENEFIT PLAN, and AUBUCHON
DISTRIBUTION, INC. EMPLOYEE
MEDICAL BENEFIT PLAN**
Plaintiffs,

v.

BENEFIRST, LLC,
Defendant.

CIVIL ACTION No. 05-40159 FDS

STIPULATION OF 30 DAY EXTENSION OF FACT DISCOVERY - FINAL DEADLINE

The parties to this action recently filed a joint motion to alter the discovery schedule in this case, which provides a comprehensive proposal for fact and expert discovery for this case from this date forward. The joint motion is currently pending with the Court.

Under the Scheduling Order currently in place, non-expert depositions and fact discovery close on September 15, 2006. Pursuant to the terms of the current Scheduling Order, the parties have the right to extend the September 15, 2006 date for thirty days by mutual written agreement filed with the Court. The parties have elected to do so at this time, and hereby file this stipulation with the Court as their mutual written agreement to this effect, so as to allow sufficient time for the parties to conduct depositions should the Court deny the pending joint motion to revise the schedule for this case.

The parties are also in agreement that should the Court allow the pending joint motion, this stipulation shall be moot and shall not affect the discovery schedule in this case.

Respectfully submitted,

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that today, August 28, 2006, a copy of the foregoing **Stipulation** was served via the ECF system upon the following attorneys of record, each of whom has been identified as a registered participant on the Notice of Electronic Filing (NEF):

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